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Jennifer Greenberg

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HE NEVER ASKED IF HE COULD HELP; HE ASKED HOW HE COULD HELP

JENNIFER GREENBERG*

Steve Goldstein was, in my opinion and in his way, something of a radical. Although his appearance, his position at the law school, and the accoutrements attending each counseled against this conclusion, it is nonetheless a fair interpretation of what I know of his work and his life.

When I met Steve during my first year of law school almost ten years ago, I sized him up as a personable liberal—someone who would do good work so long as his own comfort level was maintained. I liked him, but I did not perceive him to be someone who would go the distance for an unpopular cause or individual.

In 1986, when I began working at the Office of the Capital Collateral Representative (known as CCR; the state agency created in 1985 to represent death row inmates in post-conviction proceedings), I began to learn just how flawed my impression of Steve was. It did not take long for me to see Steve's name all over the transcripts and briefs of men facing imminent execution. I read his arguments, and I began to appreciate his work and his commitment; and I began to understand that Steve actually *embraced* the unpopular, and received little thanks for it.

When I came to Volunteer Lawyers' Resource Center (VLRC) in January 1989, we were seriously under-staffed and forced to litigate under pending death warrants. Steve and I were thrown together then, working whatever hours were necessary and struggling with the difficult decisions and issues that face those representing people preparing to be executed.

That first year or so with Steve was hard on both of us. We argued often then, not surprisingly, (to use one of Steve's favorite phrases). I thought that Steve was not attentive enough to the lives and needs of our clients; he thought I attended too little to the realities of "the

* Jennifer Greenberg has been involved in the representation of death row inmates for almost a decade. Following her first year at FSU's College of Law, she began working for the Office of the Capital Collateral Representative (CCR) in Tallahassee. After two years at CCR and graduation in 1988, Ms. Greenberg began working at Volunteer Lawyers' Resource Center, (VLRC) a non-profit organization which both recruits and assists pro bono counsel and provides direct representation to Florida's death row population. She is Co-Director of VLRC.

system." While I ranted and raved about injustice, Steve calmly advised me to think like judges do and understand that prosecutors are people too. He treated me with great patience, and eventually I gave some and he gave some. Up until his death, our common ground continued to widen.

I grew to respect, admire, and rely upon Steve, as did so many involved in the defense of people sentenced to death. I came to understand that Steve cared as much as I; that while he talked about his interest in the work in terms of the weighty constitutional issues involved, he genuinely loved and mourned for our clients. His visits to death row meant a great deal to them, and Steve never left the prison without being moved to reiterate the importance of our work. I well remember the affect on him of meeting some of the men on death row; seeing mentally impaired inmates who could not hope to understand anything of significance about their litigation or life situation made Steve angry (even moving him to utter a choice cuss word or two), and it was always clear by the way he spoke to and attended our clients that he understood more about their suffering than he cared to articulate. Those on death row loved and appreciated Steve, for who he was and how he stood up for them—whether in court or during the battles Steve fought with politicians and judges to retain their rights, typically as the lone dissenting voice of reason.

I learned many things from Steve, including a thing or two about tenacity and about not caring how others perceive me. I have seen Steve stand resolutely and proudly when most people would have yielded the point or given up. I will never forget how Steve continued to stand and continued to argue when he was repeatedly ordered by a federal judge to "sit down, Mr. Goldstein" and was told "no, Mr. Goldstein, you may not speak." I have seen him continue to speak the truth in the face of ignorance and hostility, long after I would have given up and gone to lick my wounds. I well remember how he could routinely mediate highly charged arguments with great patience, even when both sides trashed him more times than they tried to resolve the issue at hand.

Steve was thick-skinned, and could be downright pushy. He did not possess those qualities because he was an ego maniac or a pompous jerk; he knew what he was doing what had to be done to help someone else, someone who needed him and who had no voice without him. I loved Steve's unabashedly pushy side, especially as it was inspired by selflessness. And I came to understand Steve as something other than my stereotypical liberal. He was much more than that, and much better than that. He gave of himself freely, whether or not it was convenient. He never asked *if* he could help; he asked *how* he

could help—what he could write, to whom he could talk, what he could facilitate. Day or night, Steve was there, working his heart out, literally, as we all discovered, for the poor and the condemned. He lived what he believed, and he did so quietly and without fanfare.

I loved Steve, and I miss him. He was one of the best people I've ever known, and he was a true friend to me, as he was to so many, which I didn't truly appreciate until after his death. In addition to nurturing and supporting me professionally, he was never too busy to worry about me as an individual. He was especially kind and attentive after an execution, when he would wait for me to return from the prison and would call often thereafter to make sure I was alright. Rather than divorcing himself from the emotional devastation of death penalty work, Steve cried with me and allowed himself to appreciate the horror of it all. He was a rare man, and a rare lawyer, and the world is a better place for him having lived.

